

REMARKS

Claims 28-30 and 32-36 are currently pending in the application, wherein claims 24-27 and 31 have been cancelled without prejudice or disclaimer by the above amendment. In addition, claims 28-30 and 35 have been withdrawn from consideration. Claim 28 has also been amended into independent form so as not to depend upon a canceled claim. Consequently, claim 28 has been both amended **and** withdrawn in present response. Claims 24-36 are subject to a restriction requirement, with the claims being drawn to three different species associated with Figures 5A-5J, 5K-5M and 5N-5Q, respectively. The claims associated with the first species of Figures 5A-5J (claims 24-27 and 31) are canceled herein. ***The claims associated with the second species of Figures 5K-5M (claims 32-34 and 36) are elected without traverse.*** Lastly, the claims associated with the third species of Figures 5N-5Q (claims 28-30 and 35) are withdrawn from consideration. Please note that since withdrawn claim 28 previously depended upon a claim of species 1, claim 28, in addition to being withdrawn from consideration, claim 28 has also been amended into independent form so as not to depend upon a canceled claim.


Lastly, applicants respectfully disagree with the assertion that none of the claims are generic. Conversely, it is respectfully submitted that pending independent claims 32 and 36 are generic to the species of Figures 5K-5M and Figures 5N-5Q. For example, claims 32 and 36 are generally directed to an aluminum oxide on a side of a ferroelectric capacitor and first and second silicon nitride layers thereover. The species of claims 28-30 and 35 include the same features of claims 32 and 36 and further add the limitation that the aluminum oxide is nitrided. Therefore it is respectfully submitted that claims 32 and 36 are generic to both species. Consequently, upon an allowance of claims 32 and 36, it is respectfully submitted that the withdrawn claims 28-30 and 35 should be brought back into the present case.

Examination of claims 32-34 and 36 is respectfully requested.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0688, TI-36447.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: January 7, 2005


Christine Gillroy